

ORDER DATED 26-2-2004.

Applicant, Subash Chandra Hota, an ED employee of the Chandanbhati Sub Post Office in the District of Bolangir, has filed this Original Application, u/s.19 of the Administrative Tribunals Act, 1985.

2. It is the case of the Applicant that since he was qualified in the examination (held on 09.07.95) for the post of Postman/Mail Guard and since he gave option to be appointed/promoted any-where in Orissa Postal Circle, a direction be issued to the Respondents to appoint/promote him to the said post.

3. In this case, the Respondents have filed a counter contesting the case of the Applicant.

4. We have heard learned counsel appearing for both sides and perused the materials placed on record.

5. It is seen that this Bench of the Tribunal, while adjudicating a similar matter (filed by one Sh. Krishna Chandra Bibhar in O.A.No.88/2001) decided on 06.02.2004, held that the said application has no merit. However, it was directed in that case that if the Applicant is found eligible to appear in future selection test, it will be open for the Applicant to compete with other candidates and, if he is found successful, the Respondents shall consider his case in accordance with law.

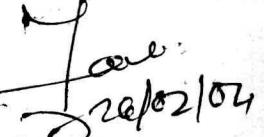
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Contd.. Order dt. 26-2-04.

6. We find in this case, there are no reason to differ from the view already rendered by this Tribunal in the case of Sh. Krishna Chandra Bibhar (supra) decided on 06.02.2004. and in that view of the matter, we find no merit in this Original Application and the same is accordingly disposed of.

7. However, we make it clear that in the event the Applicant is found eligible to appear in future selection test, it will be open for him to compete with other candidates and, if he is found successful, then the Respondents shall consider his case in accordance with law.


(B.N. SOM)
VICE-CHAIRMAN


26/2/04
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)